

Union Calendar No. 123

104TH CONGRESS
1ST SESSION

H. R. 782

[Report No. 104-230]

A BILL

To amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

AUGUST 4, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1995

Mr WOLF introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 4, 1995

Additional sponsors: Mr. DAVIS, Mrs. MORELLA, Mr. BARTLETT of Maryland, Mr. MORAN, Mr. FRANK of Massachusetts, Mr. BRYANT of Tennessee, Mr. JACOBS, Mr. LEWIS of California, Mr. PICKETT, Mr. JONES, Mr. HORN, Mr. RICHARDSON, Mr. COLEMAN, Mr. NEY, Mr. GOODLING, Mr. FAZIO of California, Mr. CALVERT, Mr. HILLIARD, Mr. FROST, Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. MFUME, Mr. SOLOMON, Mr. HOYER, Mr. McDERMOTT, Ms. NORTON, Mr. DEFazio, and Mr. RIGGS

AUGUST 4, 1995

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[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPRESENTATION OF VIEWS.**

4 Section 205 of title 18, United States Code, is
 5 amended by redesignating subsection (h) as subsection (i)
 6 and by inserting after subsection (g) the following:

7 “(h) Nothing in this section shall prevent an officer
 8 or employee of the Government, if not inconsistent with
 9 the faithful performance of such officer’s or employee’s
 10 duties, from representing an employee association before,
 11 or the interest of the members of the association to, the
 12 Executive Branch or any agency of the Government. For
 13 purposes of this subsection, an employee association is an
 14 association or component of an association, a majority of
 15 whose members are officers or employees of the
 16 Government.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Federal Employee Rep-*
 19 *resentation Improvement Act of 1995”.*

20 **SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EM-**
 21 **PLOYEES.**

22 (a) *EXTENSION OF EXEMPTION TO PROHIBITION.—*
 23 *Subsection (d) of section 205 of title 18, United States Code,*
 24 *is amended to read as follows:*

1 “(d)(1) Nothing in subsection (a) or (b) prevents an
2 officer or employee, if not inconsistent with the faithful per-
3 formance of that officer’s or employee’s duties, from acting
4 without compensation as agent or attorney for, or otherwise
5 representing—

6 “(A) any person who is the subject of discipli-
7 nary, loyalty, or other personnel administration pro-
8 ceedings in connection with those proceedings; or

9 “(B) except as provided in paragraph (2), any
10 cooperative, voluntary, professional, recreational, or
11 similar organization or group not established or oper-
12 ated for profit, if a majority of the organization’s or
13 groups’s members are current officers or employees of
14 the United States or of the District of Columbia, or
15 their spouses or dependent children.

16 “(2) Paragraph (1)(B) does not apply with respect to
17 a covered matter that—

18 “(A) is a claim under subsection (a)(1) or (b)(1);

19 “(B) is a judicial or administrative proceeding
20 where the organization or group is a party; or

21 “(C) involves a grant, a contract, or other agree-
22 ment (including a request for any such grant, con-
23 tract, or agreement) providing for the disbursement of
24 Federal funds to the organization or group.”.

1 (b) *APPLICATION TO LABOR-MANAGEMENT RELA-*
2 *TIONS.—Section 205 of title 18, United States Code, is*
3 *amended by adding at the end the following:*

4 “(i) *Nothing in this section prevents an employee from*
5 *acting pursuant to chapter 71 of title 5 or section 1004*
6 *or chapter 12 of title 39.*”.